



30 JAN 2009

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

47533

INTELLECTUAL PROPERTY LAW OFFICE OF JOEL VOELZKE
24772 Saddle Peak Road
Malibu, CA 90265

In re Application of :
SINCLAIR *et al* :
U.S. Application No.: 10/539,655 :
PCT No.: PCT/AU2003/001691 :
Int. Filing Date: 18 December 2003 :
Priority Date: 18 December 2002 :
Attorney Docket No.: 123-003 :
For: ELONGATED ELECTRICAL :
CONDUCTOR THAT IS ADAPTED :
FOR ELECTRICALLY CONNECTING :
WITH AN ELECTRICAL CONTACT :

**DECISION ON
RENEWED PETITION
UNDER 37 CFR 1.47(a)**

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 01 December 2008.

BACKGROUND

On 13 November 2008, a decision dismissing applicants' 37 CFR 1.47(a) petition was mailed. Applicants were given two months to respond.

On 01 December 2008, applicants filed a renewed petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration by Matthew Ward and other documentary evidence in support of the renewed petition.

On 15 December 2008, an Office Action was mailed indicating that applicant had only two months to provide an acceptable declaration and granted petition.

DISCUSSION

The original petition under 37 CFR 1.47(a) was dismissed for failing to show that a complete copy of the above-captioned application including specification, claims and drawings were presented to the nonsigning inventor. Moreover, the email correspondence was deemed not to show a clear refusal to cooperate.

In the renewed petition, the 37 CFR 1.47(a) applicants provided evidence that a complete copy of the Australian priority application was provided to the nonsigning inventor on 18 December 2002. **This is not sufficient.**

For a refusal to be accepted, petitioners must provide a complete copy of the

10/539,655

subject application, including specification, claims and drawings to the nonsigning inventor. Proof that a bona fide attempt was made to present a copy of the application papers, but the nonsigning inventor refused to accept delivery or expressly stated that the application papers should not be sent, may be sufficient. See § 409.03(d)(II) MPEP.

Accordingly, item (2) of 37 CFR 1.47(a) is not yet satisfied.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

The Office Action mailed 15 December 2008 is VACATED to the extent that the time period to respond with a grantable petition under 37 CFR 1.47(a) or a declaration is two months with no extensions of time available.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to (571) 273-0459, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302